

January 12, 2004

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session on Monday, January 12, 2004 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Saager, Lyon, Humbert, Woods, Records and Kelley. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Public Works Superintendent Howard Moss, Grant Writer Mike Watkins, Police Chief Mike Gallaher and Finance Director Dave Richmond. Citizens present were County Commissioner Dennis Doherty, Bob White, John Leber, Jeff Leber, Pat Thompson and Ed Chesnut.

Members of the press present were Jeff Durham of the Blue Mountain Pioneer, Dennis Widmer of the Valley Herald, and Kathy Korengal of the Walla Walla Union Bulletin.

INTRODUCTION of Youth Councilor. Assistant City Manager Linda Hall introduced the new Youth Representative, a senior at Mac-Hi, Giaus Miller.

PRESENTATION Updates on Current Issues with County Commissioner Dennis Doherty. Mr. Doherty stated there had been announcements to consider a serial levy to fund services, but Mr. Doherty also said he did not know what the specific plans are yet. The Sheriff Department may want to go to the voters and ask for a serial levy to fund services, or they may want to create a special law enforcement district, and if the district is created, it may encompass the unincorporated portion of the district or encompass the entire county. On Wednesday this week, Mr. Doherty stated he would get his personal briefing by the survey groups. Regardless of any decision, it is clear more road deputies are necessary. Our County Sheriff is authorized to have seven deputies (one is vacant right now) and he has now been authorized to have nine deputies. Since 1997, the Sheriff's Department has fifteen (15) more employees. Mr. Doherty asked that we be supportive of the Sheriff Department decision and that he decision will be successful.

With regard to the ground water situation, the ground water in the west of the county has received much of the press, but efforts are being made here to develop a plan to have a ground-water recharge system in place. Mr. Doherty said that City Manager Delphine Palmer will make this project one of the County's top tier federal agenda so as to obtain congressional support.

Councilor Kelley asked Mr. Doherty to expound on the ground-water issue. Mr. Doherty said that the re-charge program here the discussion has been to take water out of deep wells, channel into canals to circulate, which saturation from the canals will replenish ground water tables.

Councilor Keith Woods asked Mr. Doherty if he had heard of the Pine Creek project to dam water for storage on the Walla Walla River. Mr. Doherty said that yes, he had heard of the project with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Corp of Engineers. Mr. Doherty further stated that the project in the west portion of the county will be taking water out of the Columbia River to aid with their ground-water recharge system; however, water cannot be taken from the Columbia River without replenishing water from another source. Mr. Doherty said the Pine Creek project would be that source for the west county project, but he did not know the benefits for Milton-Freewater. Mr. Doherty also stated he knew the CTUIR as well as the Corp of Engineers, are serious about the Pine Creek project and have obtained congressional support.

Mayor Key asked Mr. Doherty if the Sheriff's proposal(s) are successful, would that effect the City's taxes. Mr. Doherty said it could. Mr. Doherty further stated he did not foresee any boost to the County's tax base other than the Combine Hill wind project. The projection this next year is 3.5%, which is better than the normal 3% expected for their general fund and the reason is the tax base from Combine Hill.

APPROVAL of MINUTES December 8 and December 18, 2003 meetings. Councilor Kelley moved to approve the minutes of both December 8 and December 18, 2003 meetings. Councilor Humbert seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with items not on the agenda. None approached.

NEW BUSINESS

SUPPLEMENTAL BUDGET RESOLUTION No. 1945: Receiving \$20,000.00 from Sherwood Trust Foundation for Library Building Reserve. Finance Director Dave Richmond stated that where the budget process begins in January before the fiscal year begins in July, and that there are sometimes unforeseen financial circumstances that arise within the fiscal year. This is a good unforeseen donation for the Library Building Reserve. The Sherwood Trust Foundation donated \$50,000.00 to our new library, where \$30,000.00 went to the library's completion and \$20,000.00 passed through the City to set up a Building Reserve model. It's a five-year plan up through thirty years. The fund sets up a fund for replacement issues.

Councilor Woods asked if this would be set-up in a reserve fund separately and that years down the road, these funds would still be used only for the purpose of library replacement issues. Mr. Richmond stated the fund would be on the Balance Sheet with a line-item for library reserve with specific items this fund will support. The plan is also for this reserve fund to grow with interest, and also with a possibility of additional contributions. Councilor Woods asked if by accepting these funds, are we bound to not ever spend the money, and are we bound in the future from ever spending any of these funds for any other purpose? Mr. Richmond stated the funds would have to be appropriated as designated in the model.

Mayor Key asked if the City would be donating to this reserve fund through the budget process. Mr. Richmond said eventually he would hope some funds could be contributed for this reserve, but it not required for the City to have any kind of matching funds.

Councilor Kelley moved to adopt the Supplemental Budget Resolution 1945. Councilor Woods seconded the motion which passed unanimously.

PUBLIC HEARING for John Blessinger, Objection to Weed Abatement Costs and Charges.

Mayor Key opened the hearing and read the directive reviewing responsibilities and procedures to both Council and Citizens.

Mayor Key asked if anyone wanted to disclose Ex parte contract. None disclosed. Mayor Key asked members of the audience if they wished to challenge any councilor member's right to participate in this hearing.

Mayor Key asked if Notice of Hearing had been published as required by public code. Assistant City Manager Linda Hall stated this had been done.

Mayor Key asked if there were any written comments on file. Assistant City Manager Linda Hall stated none, other than the actual notice of objection from Mr. Blessinger.

Mayor Key asked Ms. Hall for her staff report. Ms. Hall stated there were four (4) primary objections that were stated on Mr. John Blessinger's notice that was returned within the legal parameter of time required. Citizens have two (2) opportunities to appeal the City's order to abate, the first and most important, to appeal the actual notice to abate which are delivered by Receipt Requested, first-class postage paid mail where the post office makes several attempts at delivery if people refuse to pick-up certified letters. Mr. Blessinger did not participate in the appeal or the process to object to the need to abate; however, Mr. Blessinger is objecting to the costs to abate his vacant lot on Linden Drive. Mr. Blessinger objects for the following reasons: 1) Never notified by the City of Milton-Freewater to correct a weed problem. The City has the post office record to attempt to deliver the certified letter to his correct address on three different occasions, October 7, October 16, and October 22, 2003. The letter went unclaimed according the U.S. Postal Service records. Refusal to claim a certified letter does not constitute lack of notice according to the City. 2) Cleaned tumble-weeds on half of the property in late November 2003. City crews, who are required to keep very detailed records of their hours, equipment use and landfill fees, recorded the work was completed between November 13 and November 17, 2003. It is conceivable that additional tumble weeds clung to the property from wind storms occurring after City crews cleaned the property, but it still does not eliminate the need for payment for services completed after the initial October action for abatement. 3) The Saager's on the north side on Mr. Blessinger's property, had dumped brush and trash from their remodel project, and that Mr. Blessinger should not have to pay for this. Ms. Hall stated she could not contact Mr. Blessinger for clarification on this issue, but from the location of the lot, assuming this is Dr. Saager's,

Mr. Blessinger's lot does about Dr. Saager's lot, of which lot has just completed remodeling. Ms. Hall said she did contact Dr. Saager and ask if the situation could be possible and he said there were portions of a fence stored on the property which was hauled by City crews, and after speaking with City Manager Delphine Palmer, the City would agree to discount some of the abatement charges. 4) Mr. Blessinger states he drove to Milton-Freewater on December 21, 2003 to inspect _____, he further states the City merely mowed down tumble weeds and this job should not have taken more than an hour. Ms. Hall stated again that City crews keep detailed hours spent on each abatement, along with number of trips to the landfill. By all accounts, including complaints about this lot from neighboring properties, the crew a total of 3.5 hours. The total of the bill is \$198.50. Ms. Hall then advised Mr. Blessinger of his rights to speak at this hearing on his own behalf.

Mayor Key invited Mr. Blessinger to come forward and speak in his behalf. Mr. Blessinger was not in attendance.

City Manager Delphine Palmer stated that after investigating this particular abatement, I along with the Assistant City Manager Linda Hall, would be willing to reduce this charge by half because of the other circumstance of debris from other property hauled to the landfill.

Councilor Woods stated the fact sheet reported approximately 1,000 pounds of debris was hauled and wanted to know if Ms. Palmer knew if the debris hauled belonging to Dr. Saager was half. Ms. Palmer said there was no way of knowing the exact amount, but that under the circumstances, half seemed fair.

Mayor Key declared the hearing closed.

Councilor Woods moved to deny the appeal filed by John Blessinger, but moved to reduce the charge by half. Councilor Saager seconded the motion which passed unanimously.

CONSIDERATION OF LIQUOR LICENSE APPLICATION: Change of Ownership for Buisness located at 419 South Main (formerly Charlie's Produce Market). Assistant City Manager Linda Hall stated how excited she was about the return of a gas station within the City limits. The liquor license application is package sales off-premise, which is type 4, located where Johnny Brown's Service Center/Charlie's Produce was. The Police Department has concluded their investigations and recommends the liquor license be granted and staff recommends the liquor license be granted as well.

Councilor Saager asked if there were a beer/wine license previously and Ms. Hall said yes it did. Councilor Saager said the application stated it was a "New Outlet" instead of "Change Ownership." Ms. Hall said she felt this was in error on the applicant's part.

Councilor Kelley moved to approve the liquor application for Zip Zone located at 419 South Main Street. Councilor Saager seconded the motion which passed unanimously.

CONTRACT AWARD: City Farming Contract. Public Works Superintendent Howard Moss stated it was a pleasure to bring before Council another five-year contract for the custom farming at the City's Waste Water Land Application Facility. The City owns a 670-acre farm, with 450 acres in alfalfa and the balance in other farm productions. About 18 years ago, the City set up a farm contract after some unsuccessful small contracts with the farming. As proposed, this contract will be the third five-year contract with Leber Farms of Milton-Freewater, who will continue to crop the hay that is produced on the farm on a shared basis, and cultivate on a unit price per acre. The City did advertise as required by law to invite other farmers in the business to submit a bid. Leber Farms was the only bid received. Staff recommendation is to enter into a third contract with Leber Farms for a single year, with staff ability to increase the contract to a total of five years, provided each party is satisfied with the contract. Mr. Moss further stated how successful the relationship with Leber Farms has been with the City.

Councilor Humbert asked if the contract was for five years, with the contract re-visited annually. Mr. Moss stated that this was a five year contract, with the authority to re-visit at a staff level annually, provided Leber Farms perform, the contract is reviewed in October. Councilor Humbert suggested the contract be a continuous five-year contract due to the satisfaction of both Leber Farms and City staff. Mr. Moss said he would be comfortable with more than a five-year contract, but would still require the annual reviews.

Councilor Kelley asked to clarify that both parties could sever the contract at any time within the five years. Mr. Moss stated this was so.

Councilor Lyon asked John Leber if he was pleased with the contract. Mr. Leber stated he would like a 20-year contract, but he was pleased with the contract presented. Mr. Moss stated this new contract has an inflationary 3% factor within the contract.

Councilor Humbert asked if the contract could be extended beyond five years. Mr. Moss said he discussed this with City Manager Delphine Palmer, but that he did not feel comfortable passing on a contract to a new administration, that he, Mr. Moss, would be retired by then.

Councilor Kelley moved to award the farm contract to Leber Farms of Milton-Freewater. Councilor Humbert seconded the motion which passed unanimously.

Council adjourned at 7:35 p.m. to Executive Session pursuant to ORS 192.660 (1) (e) To Conduct Deliberations with persons designated by the governing body to negotiate Real Property Transactions, and also pursuant to ORS 192.660 (1) (d) To conduct deliberations with persons designated by the governing body to Carry on Labor Negotiations.

Council returned to open session at 8:00 p.m. for actions needed.

MANAGER'S REPORT

COUNCIL ANNOUNCEMENTS

There being no further Council business, the meeting was adjourned at 8:10 p.m.

Lewis S. Key, Mayor